

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

GERARDO GOMEZ,

Plaintiff,

v.

CALIFORNIA DEPARTMENT OF  
CORRECTIONS AND  
REHABILITATION, *et al.*,

Defendants.

Case No. 1:24-cv-00225 JLT BAM

**ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS AND DISMISSING  
ACTION WITH PREJUDICE**

(Docs. 8, 10)

The Court screened the complaint and found that it failed to comply with Federal Rule of Civil Procedure 8 and failed to state a cognizable claim under 42 U.S.C. § 1983. (Doc. 8.) The Court granted Plaintiff leave to file an amended complaint or notice of voluntary dismissal within thirty days. (*Id.*) Plaintiff failed to file an amended complaint or otherwise communicate with the Court.

On December 3, 2025, the assigned magistrate judge issued findings and recommendations that recommended dismissal of this action, with prejudice, for failure to state a claim pursuant to 28 U.S.C. § 1915A, failure to obey a court order, and for Plaintiff's failure to prosecute this action. (Doc. 10.) The Court served the Findings and Recommendations on Plaintiff and notified him that any objections were due within 14 days. (Doc. 10 at 10.) The Court advised him that the "failure to file objections within the specified time may result in the

1 waiver of the ‘right to challenge the magistrate’s factual findings’ on appeal.” (*Id.*, quoting  
2 *Wilkerson v. Wheeler*, 772 F.3d 834, 838–39 (9th Cir. 2014)). Plaintiff did not file objections,  
3 and the time to do so has expired.

4 According to 28 U.S.C. § 636 (b)(1)(c), this Court performed a de novo review of this  
5 case. Having carefully reviewed the matter, the Court concludes that the Findings and  
6 Recommendations are supported by the record and proper analysis. Thus, the Court **ORDERS**:

- 7 1. The Findings and Recommendations issued on December 3, 2025 (Doc. 10) are  
8 **ADOPTED**.
- 9 2. This action is **DISMISSED**, with prejudice, for failure to state a claim, failure to obey  
10 a court order, and failure to prosecute this action.
- 11 3. The Clerk of the Court is directed to close this case.

12  
13 IT IS SO ORDERED.

14 Dated: **January 3, 2026**

  
UNITED STATES DISTRICT JUDGE